

# City Council Agenda

Council President  
Lee Brand

Councilmembers

Oliver L. Baines III  
Andreas Borgeas  
Clinton J. Olivier - Acting President

Sal Quintero  
Larry Westerlund  
Blong Xiong

City Manager  
Mark Scott

City Clerk  
Rebecca E. Klisch, CMC

City Attorney  
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

**March 3, 2011**

**8:30 A.M. ROLL CALL**

Invocation

Pledge of Allegiance to the Flag

**Ceremonial Presentations:**

Presentation of the SPCA Pet of the Month – Acting President Olivier - **Presented**

Proclamation of "LEAGUE OF WOMEN VOTER'S DAY" - Acting President Olivier – **Read and presented**

The agenda and related staff reports are available on ([www.fresno.gov](http://www.fresno.gov)) as well as in the office of the City Clerk. The Council meeting can also be heard live at the same web site address, or viewed live on Cable Channel 96 and re-played beginning at 8:00 p.m.

**PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of [February 17, 2011](#)

**Action Taken:** Approved

Councilmember Reports and Comments

**Action Taken:** Made

Approve Agenda

**Action Taken:** Approved, as amended

Adopt Consent Calendar

**Action Taken:** Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time permits.

- A. [Adopt a Finding of Conformity that determined that the Ashlan Avenue widening project is in conformance with Master Environmental Impact Report \(MEIR 10130\) of the 2025 General Plan \(\*Property located in District 1\*\) – Public Works Dept.](#)

**Action Taken:** Adopted

1. Approve a partial acquisition in an amount of \$93,320.00 of one (1) parcel from property owned by Bhawandeep Brar for the widening of Ashlan Avenue to a four-lane arterial from Blythe Avenue to Cornelia Avenue

**Action Taken:** Approved

- B. [Adopt a Finding of Conformity that determined that the Ashlan Avenue widening project is in conformance with Master Environmental Impact Report \(MEIR 10130\) of the 2025 General Plan \(\*Property located in District 1\*\) – Public Works Dept.](#)

**Action Taken:** Adopted

1. Approve a partial acquisition in an amount of \$75,450.00 of one (1) parcel from property owned by Central Coast Investment Group, LLC, for the widening of Ashlan Avenue to a four-lane arterial from Blythe Avenue to Cornelia Avenue

**Action Taken:** Approved

- C. [Adopt a Finding of Conformity that determined that the Ashlan Avenue widening project is in conformance with Master Environmental Impact Report \(MEIR 10130\) of the 2025 General Plan \(\*Property located in District 1\*\) – Public Works Dept.](#)

**Action Taken:** Adopted

1. Approve a partial acquisition in an amount of \$6,650.00 of one (1) parcel from property owned by WEM Properties, Inc., for the widening of Ashlan Avenue to a four-lane arterial from Blythe Avenue to Cornelia Avenue

**Action Taken:** Approved

- D. [Adopt a Finding of Conformity that determined that the Ashlan Avenue widening project is in conformance with Master Environmental Impact Report \(MEIR 10130\) of the 2025 General Plan \(\*Property located in District 1\*\) – Public Works Dept.](#)

**Action Taken:** Adopted

1. Approve a partial acquisition in an amount of \$3,750.00 of one (1) parcel from property owned by Baljeet S. Brar and Gurvinder Kaur for the widening of Ashlan Avenue to a four-lane arterial from Blythe Avenue to Cornelia Avenue

**Action Taken:** Approved

1. **CONSENT CALENDAR CONTINUED**

- E. **RESOLUTION** - Of intention to annex Final Tract 5498, Annexation No. 37 to City of Fresno Community Facilities District No. 11, and setting the public hearing for March 31, 2011, at 10:15 a.m. *(Property located in District 5, at the northeast corner of Peach and Church)* – Public Works Dept.  
**Action Taken:** Resolution No. 2011-31 adopted
- F. Reject all bids to construct the Police Department Headquarter fence project *(Property located in District 3)* - Public Works and Police Departments  
**Action Taken:** Rejected
- G. Approve a fourth amendment to the agreement with Design Lab 252, of Fresno, CA, in the amount of \$5,300.00 to provide additional services for the Eaton Plaza Park Project *(Property located in District 3)* – Public Works Dept.  
**Action Taken:** Discussed/not approved
- H. Approve the appointment of Elizabeth Jonasson to the District 1 Plan Implementation Committee – Councilmember Xiong  
**Action Taken:** Approved
- I. Approve consultant services agreement between the City of Fresno and Liebert Cassidy Whitmore for \$54,900 for anti-harassment and anti-discrimination training – Personnel Services Dept.  
**Action Taken:** Approved
- J. \* **RESOLUTION** – 499th amendment to Master Fee Schedule (MFS) Resolution No. 80-420 revising the method by which utilities delinquent penalty charges are assessed on customer accounts as a result of moving to a monthly billing process – Dept. of Public Utilities  
**Action Taken:** Resolution No. 2011-32 adopted
- K. \* **BILL NO. B-6– (Intro. 2/17/2011) (For adoption)** - Amending Sections 1-105, 2-312, Subsection (b) of Section 5-305, Subsection (h) of Section 5-502, Subsection (a) of Section 13-504, and Subsection (p) of Section 14-103 of and adding Section 1-217 to the Fresno Municipal Code, relating to accessibility for people with disabilities – Public Works Dept.  
**Action Taken:** Ordinance No. 2011-6 adopted

**CONTESTED CONSENT CALENDAR**

9:00 A.M. #1 **GENERAL ADMINISTRATION**

- A. Adopt a Finding of Class 1,2 and 3 Categorical Exemption pursuant to Section 15301 (B) (Existing Facilities), 15302, and 15303 of the California Environmental Quality Act Guidelines for the design-build of a emission control system, including the add alternate for a five (5) year maintenance service agreement for the power generation facility at the Fresno/Clovis Wastewater Reclamation Facility – Dept. of Public Utilities  
**Action Taken:** Discussed/continued one week
1. \* **RESOLUTION** – 73<sup>rd</sup> amendment to Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$291,400 for the design build of an emissions control system at the Fresno/Clovis Wastewater Reclamation Facility **(Requires 5 affirmative votes)**
  2. Award a \$1,211,384 contract to R.F. MacDonald Co. of Modesto, California for the design, construction and maintenance thereof

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

9:00 A.M. #2 **CITY COUNCIL**

9:15 A.M. **WORKSHOP** regarding Recycled Water Master Plan – Dept. of Public Utilities - **Held**

9:30 A.M. Presentation by PICO (Faith-based organization) that highlights the city-wide issue of home foreclosures and subsequent challenges – Councilmember Quintero – **Presentation made**

10:15 A.M. **CONTINUED HEARING** to consider Plan Amendment No. A-10-08, filed Dirk Poeschel Land Development Services *(Continue to March 31, 2011 at 10:30 a.m.)*  
**Action Taken:** Continued as noted

10:30 A.M. **CONTINUED HEARING** re: reversion of acreage of Final Map of Tract 4983 – Public Works Dept. *(Continue to March 17, 2011 @ 10:15 a.m.)*  
**Action Taken:** Continued as noted

10:45 A.M. **REGULAR MEETING OF THE FRESNO REDEVELOPMENT AGENCY**

Approve Agency minutes of February 10, 2011

**Action Taken:** Approved

A. **RESOLUTION** - Approving the proposed Five-Year Implementation Plans for the Central City Commercial Revitalization Redevelopment Project Area, Fresno Air Terminal Redevelopment Project Area, South Fresno Industrial Revitalization Redevelopment Project Area, Southeast Fresno Revitalization Redevelopment Project Area, and the Freeway-99 Golden State Boulevard Corridor Redevelopment Project Area *(Property located in Districts 1,2,3,4,5,7) (Agency action)*  
**Action Taken:** Resolution No. 1776 adopted

B. **RESOLUTION** – Making certain findings pursuant to Section 33445 under Redevelopment Law and authorize expenditure of appropriate funding for the installation and construction of publicly owned improvements on Tulare and Kern Streets between “H” and “G” Streets in the Chinatown Expanded Redevelopment Area *(Property located in District 3) (Agency action)*  
**Action Taken:** Resolution No. 2011-37/1777 adopted

C. Adopt a Finding of Categorical Exemption pursuant to Article 19, Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines for demolition and clearance of 864 Klette Avenue, located in the Southwest Fresno GNRA Redevelopment Area *(Property located in District 3) (Agency action); and*  
**Action Taken:** Adopted

1. Award a contract to the lowest responsive and responsible bidder for the demolition and clearance of 864 Klette Avenue, located in the Southwest Fresno GNRA Redevelopment Area *(Agency action)*  
**Action Taken:** Awarded to Housely Demolition

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

10:45 A.M.

### **REGULAR MEETING OF THE FRESNO REDEVELOPMENT AGENCY CONTINUED**

- D. Adopt a finding of a Categorical Exemption per staff determination, pursuant to Section 15332 Class 32 of the CEQA Guidelines, for the development of a 30-unit mixed use residential project located at 1612 Fulton Street (*Property located in District 3*) (*Agency action*)  
**Action Taken: Adopted**
1. Recommend approval of an Owner Participation Agreement (OPA) between the Redevelopment Agency of the City of Fresno and FFDA Properties, LLC for the development of a new 30-unit mixed use residential project located at 1612 Fulton Street within the Fulton Redevelopment Project Area (*Agency action*)  
**Action Taken: Approved**
- E. Adopt a finding of a Categorical Exemption per staff determination, pursuant to Section 15332 Class 32 of the CEQA Guidelines, for the development of a 28-unit mixed use residential project located at "L" and San Joaquin Streets (*Property located in District 3*) (*Agency action*)  
**Action Taken: Adopted**
1. Recommend approval of an Owner Participation Agreement (OPA) between the Redevelopment Agency of the City of Fresno and FFDA Properties, LLC for the development of a new 28 unit residential project located at "L" Street and San Joaquin Street within the Fulton Redevelopment Project Area (*Agency action*)  
**Action Taken: Approved**
- F. Recommend approval of the following actions relating to reimbursement of costs incurred within the South Fresno Industrial Revitalization Area for the installation of public improvements on E. Jensen and North East Avenues: (*Property located in District 3*)
1. **RESOLUTION** - Making certain findings pursuant to Section 33445 of the Community Redevelopment Law, authorizing the Agency's reimbursement of costs incurred within the South Fresno Industrial Revitalization Project Area for the installation of public improvements on E. Jensen and North East Avenues (*Agency action*)  
**Action Taken: Resolution No. 2011-33/1778 adopted**
  2. Authorize Developers Reimbursement Agreement (DRA) between the Redevelopment Agency and Prickett Realty, Inc. on behalf of Pape/Kenworth and authorize the Executive Director to execute the Developers reimbursement Agreement (*Agency action*)  
**Action Taken: Authorized**
- G. Consider approval of the following actions relating to reimbursement of costs incurred within the Central City Commercial Revitalization Project Area for the installation of public improvements on E. Hedges Avenue: (*Property located in District 3*)
1. **RESOLUTION** - Making certain findings pursuant to Section 33445 of the Community Redevelopment Law, authorizing the Agency's reimbursement of costs incurred within the Central City Commercial Revitalization Project Area for the installation of public improvements on E. Hedges Avenue (*Agency action*)  
**Action Taken: Resolution No. 2011-34/1779**
  2. Authorize Memorandum of Understanding (MOU) between the Redevelopment Agency and Apple Valley Farms, Inc. and authorize the Executive Director to execute the Memorandum of Understanding (*Agency action*)  
**Action Taken: Authorized**

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

10:45 A.M.

**REGULAR MEETING OF THE FRESNO REDEVELOPMENT AGENCY CONTINUED**

- H. Consider approval of the following actions relating to reimbursement of costs incurred within the Central City Commercial Revitalization Project Area for the installation of public improvements on N. Blackstone Avenue, E. White Avenue and N. Abby Avenues: *(Property located in District 3)*
1. **RESOLUTION** - Making certain findings pursuant to Section 33445 of the Community Redevelopment Law, authorizing the Agency's reimbursement of costs incurred within the Central City Commercial Revitalization Project Area for the installation of public improvements on N. Blackstone Avenue, E. White Avenue and N. Abby Avenues *(Agency action)*  
**Action Taken:** Resolution No. 2011-35/1780 adopted
  2. Authorize Memorandum of Understanding (MOU) between the Redevelopment Agency and Mathews Harley-Davidson, Inc., and authorize the Executive Director to execute the Memorandum of Understanding *(Agency action)*  
**Action Taken:** Authorized
- I. Authorize the Executive Director to enter into a Purchase and Sale Agreement for the property located at 1727 E. Belmont (APNs 452-301-27) owned by Wannee Srijonsirikul; and to take all other actions as necessary and consistent with Agency Board approval. The property is located within the Central City Commercial Revitalization Project Area *(Property located in District 3)* *(Agency action)*  
**Action Taken:** Authorized
- J. Recommend the Agency Board authorize the Executive Director to enter into a Purchase and Sale Agreement for the property located at 1737 E. Belmont (APNs 452-301-25, 26 & 30) owned by Dr. Leroy Krum; and to take all other actions as necessary and consistent with Agency Board approval. The property is located within the Central City Commercial Revitalization Project Area *(Property located in District 3)* *(Agency action)*  
**Action Taken:** Authorized
- K. Consider recommending that the Agency Board Consider adopt a resolution regarding funding for a multi-year infrastructure improvement program for a targeted area generally described as the South Van Ness Industrial Target Area and including portions of the South Van Ness Industrial, Southeast Fresno Revitalization and the South Fresno Industrial Revitalization Project Areas and authorize the Executive Director to execute Memoranda of Understanding (MOU) with targeted industrial companies *(Property located in Districts 3, 5)*
1. **RESOLUTION** – Making certain findings pursuant to Section 33445 of the City Redevelopment Law and authorize expenditure of appropriate funding for the installation and construction of publically owned improvements in a targeted area generally described as the South Van Ness Industrial Target Area and including portions of the South Van Ness Industrial, Southeast Fresno Revitalization and the South Fresno Industrial Revitalization Project Areas *(Council and Agency action)*  
**Action Taken:** Resolution No. 2011-36/1781 adopted
  2. Adopt Findings of Categorical Exemption per staff determination, pursuant to Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land) of the CEQA Guidelines, related to the construction of publically owned improvements in a targeted area generally described as the South Van Ness Industrial Target Area *(Agency action)*  
**Action Taken:** Adopted
  3. Authorize Memoranda of Understanding (MOU) between the Redevelopment Agency and identified industrial companies and authorize the Executive Director to execute the Memoranda of Understanding *(Agency action)*  
**Action Taken:** Authorized

**ADJOURN AGENCY**

## CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** City of Fresno v. Raps Fresno, LLC, et al (also known as Hotel Fresno) FCSC N0. 05CECG01744
- Action Taken:** Held

**PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING**

### SCHEDULED COMMUNICATION –

**UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

### SCHEDULED COUNCIL HEARINGS AND MATTERS

Mar. 10 -	10:00 A.M.	<b>HEARING</b> re: Rezone Application No. R-10-09, filed by Lauro So
Mar. 10 -	10:15 A.M.	<b>HEARING</b> re: Rezone Application No. R-09-011, filed by Dan Harbour and Associates
Mar. 10 -	10:30 A.M.	<b>JOINT HEARING W/RDA</b> re: Southwest Fresno Development and Disposition Agreement (DD&A)
Mar. 17 -	10:00 A.M.	<b>HEARING</b> to consider Plan Amendment A-10-005 and environmental findings, filed by the City of Fresno Airports Department, pertaining to property located in and around the Fresno Yosemite Airport, generally bounded by E. Dakota, North Chestnut, E. McKinley and North Clovis Avenues
Mar. 17 -	10:15 A.M.	<b>CONTINUED HEARING</b> re: reversion of acreage of Final Map of Tract 4983 – Public Works Dept.
Mar. 24 -		<b>NO MEETING – COUNCIL RECESS</b>
Mar. 31 -	10:00 A.M.	<b>HEARING</b> ordering the vacation of a portion of the north side of E. Mildreda Avenue between N. Van Ness Avenue and the Van Ness-College Alley ( <b><i>Property located in District 3</i></b> )
Mar. 31 -	10:15 A.M.	<b>HEARING</b> re: CFD No. 11, Annexation No. 37, Tract No. 5498 ( <b><i>Property located in District 5</i></b> )
Mar. 31 -	10:30 A.M.	<b>CONTINUED HEARING</b> to consider Plan Amendment No. A-10-08, filed Dirk Poeschel Land Development Services